

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARNELL D. SNOWDEN,
Petitioner,

v.

R. J. RACKLEY,
Respondent.

Case No. [12-cv-03983-SI](#)

**ORDER GRANTING MOTION TO
REOPEN TIME TO APPEAL APRIL 28,
2016 ORDER DENYING RELIEF FROM
JUDGMENT**

Re: Dkt. Nos. 29, 32

On August 11, 2014, the Court denied the petition for writ of habeas corpus and entered judgment in this action. Dkt. Nos. 18, 19. On March 3, 2015, the Ninth Circuit Court of Appeals denied a certificate of appealability. Dkt. No. 23.

On April 25, 2016, petitioner moved for relief from the judgment, citing Federal Rule of Civil Procedure 60(b)(6). Dkt. No. 25. In an order filed April 28, 2016, the Court denied the motion, finding that petitioner had not demonstrated any ground for relief. Dkt. No. 27. The Court also denied a certificate of appealability. *Id.*

On October 11, 2016, petitioner filed a notice of appeal. Dkt. No. 29. The notice of appeal stated that petitioner had not received a copy of the April 25, 2016 order as of October 11, 2016.

In an order filed February 17, 2017, the Ninth Circuit Court of Appeals construed the October 11, 2016 notice of appeal as a motion to reopen the time for filing an appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6), and remanded the appeal for the limited purpose of ruling on the motion to reopen.

So construed, the Court GRANTS petitioner's motion to reopen the time for filing an

1 appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6). The Clerk shall serve a copy of
2 this order on the Ninth Circuit Court of Appeals.

3
4 **IT IS SO ORDERED.**

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6 Dated: February 22, 2017



SUSAN ILLSTON
United States District Judge

United States District Court
Northern District of California